



Metro South West Development Assessment Panel Minutes

Meeting Date and Time: 7 April 2020; 9:30am
Meeting Number: MSWJDAP/210
Meeting Venue: via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Mr Lee O'Donohue (Deputy Presiding Member)
Mr Peter Keleman (A/Specialist Member) – *joined the panel at 9.44am*

Item 8.1

Cr Rachel Pemberton (Local Government Member, City of Fremantle)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)

Item 8.2

Mayor Carol Adams (Local Government Member, City of Kwinana)
Cr Matthew Rowse (Local Government Member, City of Kwinana)

Officers in attendance

Item 8.1

Ms Julia Kingsbury (City of Fremantle)
Mr Tom Geddes (City of Fremantle)

Item 8.2

Ms Chloe Johnston (City of Kwinana)

Minute Secretary

Mr Phil Goodwin (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Gianni Da Rui (Meyer Shircore Architects)
Mr Steve Shircore (Meyer Shircore Architects)

Item 8.2

Ms Morgan Warnock (iCubed)
Ms Dannie O'Brien (iCubed)



Members of the Public / Media

There were 3 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9:38am on 7 April 2020 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Rachel Pemberton and Cr Andrew Sullivan, declared that they had participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Pemberton and Cr Sullivan acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Mayor Carol Adams and Cr Matthew Rowse, declared that they had participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Mayor Adams and Cr Rowse acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 The City of Kwinana officers responded to questions from the panel at Item 8.2.

Item 7.1 was heard prior to the application at Item 8.2.

7.2 Mr Giana Da Rui (Meyer Shirecore Architects) responded to questions from the panel at Item 8.1.

7.3 The City of Fremantle officers responded to questions from the panel at Item 8.1

Item Items 7.2 and 7.3 were heard prior to the application at Item 8.1.

PROCEDURAL MOTION

Moved by: Cr Carol Adams

Seconded by: Ms Lee O'Donohue

That the application at Item 8.2 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel members deemed it appropriate to allow the application for Item 8.2 to be heard before the more complex Item 8.1.



8. Form 1 – Responsible Authority Reports – DAP Applications

- 8.1** Property Location: 28 Cantonment Street, Fremantle
1-6/20 Elder Place, Fremantle
- Development Description: Partial demolition of existing Shopping Centre and commercial tenancies and construction of a six (6) Storey with basement Mixed use development containing Shop, Liquor Store, Office, Childcare Premises, Public Car Park Restaurant, Civic Use (Police Station) and Hotel uses
- Applicant: Meyer Shircore Architects
Owner: Silverleaf Pty Ltd
Responsible Authority: City of Fremantle
DAP File No: DAP/19/01688

REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Ms Lee O'Donohue

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/19/01688 and accompanying plans dated 17 March 2020 (Site Plan (0), Basement Floor Plan (1), Ground Floor Plan (2), First Floor Plan (3), Second Floor Plan (4), Third Floor Plan (5), Hotel Fourth, Fifth and Roof Plan (6), Overshadowing Diagram (7), West and South elevations (8), North and East elevations (9), Sections A and B (10), Sections C and D (11)) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 17 March 2020. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.
2. This approval does not relate to any works within the road reserves, with the exception of the proposed awnings. Any such works will be the subject of a separate agreement between the applicant/owner and the City of Fremantle.
3. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
4. Prior to the issue of a Building Permit for the development hereby approved, final details of the design, materials and method of attachment of the curved upper floor fins to the exterior of the Hotel building is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.



5. Prior to the issue of a building permit for the development hereby approved, amended plans showing the hotel lifts being contained within the curved design of the proposed building façade, are to be submitted to and approved by the City of Fremantle, on the advice of the City's Design Advisory Committee the final details of the Hotel lift location.
6. Prior to issue of a Building Permit for the development hereby approved, No. 28 Cantonment Street (Lot 1) and 1-6/20 Elder Place are to be legally amalgamated into one lot on the Certificate of Title. Alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
7. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
8. Prior to the issue of a building permit for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
9. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
10. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
11. Prior to the issue of a building permit, an outdoor lighting plan shall be submitted to and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.
12. Prior to the issue of a building permit, an external signage strategy shall be submitted to the satisfaction of the City of Fremantle.
13. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
14. Prior to occupation, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed achieves a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.



15. Prior to the issue of a building permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b. Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c. Roof insulation in accordance with the requirements of the Building Codes of Australia.
16. Prior to occupation of the development, a Delivery Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle. The management plan is to including specific details as to how deliveries for the development will be managed, including timing, access and frequency of deliveries. The approved management plan is to be implemented, thereafter to the satisfaction of the City of Fremantle.
17. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked in accordance with the Australian Standard for parking facilities and off-street car parking the satisfaction of the City of Fremantle.
18. All car parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
19. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.
20. Prior to the issue of a building permit, the plans hereby approved being modified to include 13 class 3 bicycle parking bays and associated end-of-trip facilities consisting of 90 lockers in accordance with clause 4.15.1 and 4.15.2 of Local Planning Scheme No.4. The bays and end-of-trip facilities shall be provided and thereafter maintained to the satisfaction of the City of Fremantle.
21. Prior to issue of a building permit, the owner/developer is to submit a waste management plan for approval by the City of Fremantle detailing the storage and management of the waste generated by the development. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
22. Prior to occupation of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm consistent with the City's LPP 2.19 and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$15 million the contribution to be made is \$150,000.



23. Prior to the issue of a demolition permit and a building permit, a Demolition/Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
 - a. The protective measures for significant fabric during construction
 - b. Use of City car parking bays for construction related activities;
 - c. Protection of infrastructure and street trees within the road reserve;
 - d. Security fencing around construction sites;
 - e. Gantries;
 - f. Access to site by construction vehicles;
 - g. Contact details;
 - h. Site offices;
 - i. Noise - Construction work and deliveries;
 - j. Sand drift and dust management;
 - k. Waste management;
 - l. Dewatering management plan;
 - m. Traffic management; and
 - n. Works affecting pedestrian areas.

24. Prior to the issue of a Building Permit final details are to be provided to demonstrate how the recommendations contained within the Crime Prevention Assessment Report, prepared by JMG Safety Management dated 24 September 2019, will be implemented to the satisfaction of the City of Fremantle.

25. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the subsequent planning approval and/or building licence to the satisfaction of the City of Fremantle on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

26. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port, the Fremantle City Centre and freight rail lines and may be subject to noise, odour and activity not normally associated with noise sensitive land uses including the Hotel. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

27. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.



ADVICE NOTES

- i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- ii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- iii. In relation to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 17 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- iv. New crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via TECHSERVICES@fremantle.wa.gov.au.
- v. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. The Infrastructure Engineering department can be contacted via TECHSERVICES@fremantle.wa.gov.au or 9432 9999.
- vi. The drop off bays, paving and landscaping depicted outside the boundaries of the subject property do not form part of this approval. For further queries relating to verge infrastructure modifications please contact the Infrastructure Engineering department via info@fremantle.wa.gov.au or 9432 9999.
- vii. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- viii. Any removal of asbestos is to comply with the following –

Less than ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];



Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- ix. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- x. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- xi. Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- xii. Due to the historical use of the site for a potentially contaminating activity, the development of the site may intercept potentially contaminated soils. If potentially contaminated soils are identified, the site should be reported in accordance with section 11 of the Contaminated Sites Act 2003, and works appropriately managed to ensure that potential risks to human health and the environment are addressed. DWER recommends that the south west basement corner is constructed such that natural ventilation is optimized.
- xiii. In relation to the condition relating to contaminated site investigation and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition 19. A current list of accredited auditors is available from www.dwer.wa.gov.au.

AMENDING MOTION 1

Moved by: Cr Andrew Sullivan

Seconded by: Cr Rachel Pemberton

That a new Condition 28 be added to read as follows:

Prior to the issue of a Building Permit, the proposed basement level is to be setback a minimum of 3.65m from the Queen Street boundary, to the satisfaction of the City of Fremantle.



The Amending Motion was put and CARRIED (3/2).

For: Cr Andrew Sullivan
Cr Rachel Pemberton
Mr Tony Arias

Against: Mr Peter Keleman
Ms Lee O'Donohue

REASON: To comply with the scheme requirement for a 3.65m setback along Queen Street for any building, structure or use.

AMENDING MOTION 2

Moved by: Cr Andrew Sullivan

Seconded by: Ms Lee O'Donohue

That a Condition 1 be amended to read as follows:

This approval relates only to the development as indicated on the approved plans dated 17 March 2020. It does not relate to any other development on this lot and must substantially commence within 5 –4-years from the date of the decision letter.

The Amending Motion was put and CARRIED 3/2.

For: Cr Andrew Sullivan
Ms Lee O'Donohue
Cr Rachel Pemberton

Against: Mr Tony Arias
Mr Peter Keleman

REASON: COVID-19 is likely to result in delays in development and the additional approval time reflects the possible impacts on the development process.

AMENDING MOTION 3

Moved by: Cr Andrew Sullivan

Seconded by: Ms Lee O'Donohue

That a new Advice Note xiv be added to read as follows:

The applicant is advised that any change to the proposed Civic Use (Police Station) will be subject to a separate application for approval at which time the application will be assessed against clause 1.3.2 (a)(iii) which requires minimum percentage of Office Use.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Any change to the approved Civic Use may be inconsistent with this approval and a separate application may be required. The applicant should be advised that the variation to the requirement to provide a minimum percentage of Office Floor Space supported as part of this approval will not automatically be supported in any future application(s) and will be subject to a new assessment.



AMENDING MOTION 4

Moved by: Cr Andrew Sullivan

Seconded by: Ms Lee O'Donohue

That a new Advice Note xv be added to read as follows:

The applicant is advised that should the value of construction be substantially increased at the time of a Building Permit, the City will review the public art contribution in accordance with condition 22 and the required contribution may increase as a result.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The value of construction as indicated on the MRS Form 1 may increase when an application for a Building Permit is lodged. The City should have the ability to review this figure and adjust the public art contribution if necessary.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/19/01688 and accompanying plans dated 17 March 2020 (Site Plan (0), Basement Floor Plan (1), Ground Floor Plan (2), First Floor Plan (3), Second Floor Plan (4), Third Floor Plan (5), Hotel Fourth, Fifth and Roof Plan (6), Overshadowing Diagram (7), West and South elevations (8), North and East elevations (9), Sections A and B (10), Sections C and D (11)) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 17 March 2020. It does not relate to any other development on this lot and must substantially commence within 5 years from the date of the decision letter.
2. This approval does not relate to any works within the road reserves, with the exception of the proposed awnings. Any such works will be the subject of a separate agreement between the applicant/owner and the City of Fremantle.
3. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
4. Prior to the issue of a Building Permit for the development hereby approved, final details of the design, materials and method of attachment of the curved upper floor fins to the exterior of the Hotel building is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
5. Prior to the issue of a building permit for the development hereby approved, amended plans showing the hotel lifts being contained within the curved design of the proposed building façade, are to be submitted to and approved by the City of



Fremantle, on the advice of the City's Design Advisory Committee the final details of the Hotel lift location.

6. Prior to issue of a Building Permit for the development hereby approved, No. 28 Cantonment Street (Lot 1) and 1-6/20 Elder Place are to be legally amalgamated into one lot on the Certificate of Title. Alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
7. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
8. Prior to the issue of a building permit for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
9. Prior to the issue of a Building Permit for the development hereby approved, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc), shall be submitted to and approved by the City of Fremantle.
10. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
11. Prior to the issue of a building permit, an outdoor lighting plan shall be submitted to and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.
12. Prior to the issue of a building permit, an external signage strategy shall be submitted to the satisfaction of the City of Fremantle.
13. Prior to the issue of a building permit, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
14. Prior to occupation, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating that the development as constructed achieves a Green Star rating of at least 4 Stars or equivalent, to the satisfaction of the City of Fremantle.
15. Prior to the issue of a building permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for



- properties contained within Area 2. Specifically, the development shall provide the following:
- a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b. Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
 - c. Roof insulation in accordance with the requirements of the Building Codes of Australia.
16. Prior to occupation of the development, a Delivery Management Plan is to be submitted and approved to the satisfaction of the City of Fremantle. The management plan is to including specific details as to how deliveries for the development will be managed, including timing, access and frequency of deliveries. The approved management plan is to be implemented, thereafter to the satisfaction of the City of Fremantle.
 17. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked in accordance with the Australian Standard for parking facilities and off-street car parking the satisfaction of the City of Fremantle.
 18. All car parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
 19. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the City of Fremantle.
 20. Prior to the issue of a building permit, the plans hereby approved being modified to include 13 class 3 bicycle parking bays and associated end-of-trip facilities consisting of 90 lockers in accordance with clause 4.15.1 and 4.15.2 of Local Planning Scheme No.4. The bays and end-of-trip facilities shall be provided and thereafter maintained to the satisfaction of the City of Fremantle.
 21. Prior to issue of a building permit, the owner/developer is to submit a waste management plan for approval by the City of Fremantle detailing the storage and management of the waste generated by the development. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
 22. Prior to occupation of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm consistent with the City’s LPP 2.19 and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$15 million the contribution to be made is \$150,000.
 23. Prior to the issue of a demolition permit and a building permit, a Demolition/Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:



- a. The protective measures for significant fabric during construction
 - b. Use of City car parking bays for construction related activities;
 - c. Protection of infrastructure and street trees within the road reserve;
 - d. Security fencing around construction sites;
 - e. Gantries;
 - f. Access to site by construction vehicles;
 - g. Contact details;
 - h. Site offices;
 - i. Noise - Construction work and deliveries;
 - j. Sand drift and dust management;
 - k. Waste management;
 - l. Dewatering management plan;
 - m. Traffic management; and
 - n. Works affecting pedestrian areas.
24. Prior to the issue of a Building Permit final details are to be provided to demonstrate how the recommendations contained within the Crime Prevention Assessment Report, prepared by JMG Safety Management dated 24 September 2019, will be implemented to the satisfaction of the City of Fremantle.
25. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the subsequent planning approval and/or building licence to the satisfaction of the City of Fremantle on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.
26. Prior to occupation of the development hereby approved, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port, the Fremantle City Centre and freight rail lines and may be subject to noise, odour and activity not normally associated with noise sensitive land uses including the Hotel. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
27. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.
28. Prior to the issue of a Building Permit, the proposed basement level is to be setback a minimum of 3.65m from the Queen Street boundary, to the satisfaction of the City of Fremantle.



ADVICE NOTES

- i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- ii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- iii. In relation to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 17 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.
- iv. New crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via TECHSERVICES@fremantle.wa.gov.au.
- v. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. The Infrastructure Engineering department can be contacted via TECHSERVICES@fremantle.wa.gov.au or 9432 9999.
- vi. The drop off bays, paving and landscaping depicted outside the boundaries of the subject property do not form part of this approval. For further queries relating to verge infrastructure modifications please contact the Infrastructure Engineering department via info@fremantle.wa.gov.au or 9432 9999.
- vii. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- viii. Any removal of asbestos is to comply with the following –

Less than ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];



Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>

- ix. The premises must comply with the Food Act 2008, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For further information contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- x. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- xi. Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- xii. Due to the historical use of the site for a potentially contaminating activity, the development of the site may intercept potentially contaminated soils. If potentially contaminated soils are identified, the site should be reported in accordance with section 11 of the Contaminated Sites Act 2003, and works appropriately managed to ensure that potential risks to human health and the environment are addressed. DWER recommends that the south west basement corner is constructed such that natural ventilation is optimized.
- xiii. In relation to the condition relating to contaminated site investigation and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with Condition 19. A current list of accredited auditors is available from www.dwer.wa.gov.au.
- xiv. The applicant is advised that any change to the proposed Civic Use (Police Station) will be subject to a separate application for approval at which time the application will be assessed against clause 1.3.2 (a)(iii) which requires minimum percentage of Office Use.
- xv. The applicant is advised that should the value of construction be substantially increased at the time of a Building Permit, the City will review the public art contribution in accordance with condition 22 and the required contribution may increase as a result.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.



REASON: In accordance with details contained in the Responsible Authority Report and Amending Motions.

8.2 Property Location: Lot 108 Kwinana Beach Road, Kwinana
Development Description: Proposed Bulk Liquid Storage
Applicant: Icubed Consulting (on behalf of Quantem Bulk Liquid Storage and Handling, formally Graincorp Liquid Terminals)
Owner: WA Land Authority (Development WA)
Responsible Authority: City of Kwinana
DAP File No: DAP/19/01708

REPORT RECOMMENDATION

Moved by: Mayor Carol Adams

Seconded by: Cr Matthew Rowse

That the Metro South West Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/19/01708 and accompanying plans 17-329-DA01-F – Locality Plan;
17-329-DA02-G – Site Plan – South;
17-329-DA03-G – Site Plan – North;
17-329-DA04-D – Site Elevations;
17-329-DA05-D – Site Sections;
17-329-DA20-E – Vessel & Bund Calculations;
17-329-GC-KW01-81002-E – Vehicle Manouvring – A Double;
17-329-GC-KW00-13001-A – Security Plan – Kwinana Site (Stage 1);
17-329-GC-KW00-13031-A – Site Fencing – Typical Details;
17-329-C203 – Finished Surface Details Sheet 1;
39191-WD03-C Version 6.00.028-1 – Office Floor Plan;
39191-WD04-C Version 6.00.028-1 – Office Elevations Sheet 1;
39191-WD05-C – Office Elevations Sheet 2;
PT-GB00-17003 Rev. 2 – Driver’s Building;
PT-GB00-17002 Rev. 2 – Switchroom Building;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Clause 6.1 of the City of Kwinana Local Planning Scheme No. 2, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
3. Stormwater drainage from roofed and paved areas being contained and disposed of on-site in accordance with the Stormwater Management Plan prepared by



- Icubed Consulting dated 14 October 2019, version 1.1 to the satisfaction of the City of Kwinana.
4. Dust control measures shall be implemented for the duration of the site and construction works to the satisfaction of the City of Kwinana.
 5. The requirements of Local Planning Policy 5 – Development Contribution Towards Public Art shall be met through one of the following options:
 - a. Prior to the lodgement of a building permit, submit a Public Art Report in accordance with LPP No. 5 to the City of Kwinana that details the public art to be developed as a component of the development. Prior to the occupation of the development, the approved artwork shall be installed on site to the satisfaction of the City of Kwinana; or
 - b. Prior to the commencement of works, shall provide a financial contribution of \$500,000 to the City of Kwinana in lieu of installing art work on site to the satisfaction of the City of Kwinana.
 6. A minimum of eight (8) vehicle parking bays are to be provided in the area defined on the approved development plans in accordance with the AS/NZS 2890, to be clearly marked on the ground and constructed of bitumen or concrete and drained prior to the occupation of the development to the satisfaction of the City of Kwinana.
 7. A detailed Landscaping Plan which outlines the proposed species and densities of plants to be used at the time of planting together with the anticipated height of each plant at maturity, spacing of each species and location of existing vegetation, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to commencement of any works on site. The landscaping plan shall be implemented to the satisfaction of the City prior to the occupation of the development.
 8. A minimum of 678m² (2.5%) of the subject site and the adjacent verge (as indicated on the attached site plans) is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
 9. Landscaping areas, vehicle parking spaces, accessways, and all other items and details as shown on the approved development plans shall be installed prior to the occupation of the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
 10. A schedule of colours, materials, textures and finishes for the development shall be submitted to the City of Kwinana for approval prior to the commencement of any works on the subject site and implemented prior to the occupation of the development.
 11. Any proposed fencing shall be installed to a minimum standard of black coated PVC chain mesh and frame to the satisfaction of the City of Kwinana. An amended fencing plan shall be provided prior to commencement of any works on site detailing fencing to meet this requirement and indicating the proposed barbed wire shall be no less than 2 metres above ground level.
 12. The development shall at all times comply with the requirements and recommendations of the Bushfire Management Plan prepared by Ecological Australia and dated 15 October 2019, Version 3 to the satisfaction of the City of Kwinana. Land within the 15m asset protection zone (APZ) is to be managed and maintained as per the approved Bushfire Management Plan in perpetuity.



13. Vehicle crossover(s) shall be constructed of concrete and located to the specifications and satisfaction of the City of Kwinana.
14. All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
15. All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
16. A nutrient retentive Aerobic Treatment Unit/Alternative Treatment System shall be installed on site, approved by the Department of Health WA, that complies with the environmental criteria of the State Environmental (Cockburn Sound) Policy 2015 (nitrogen retentive).
17. Laboratory wastewater and chemicals are not permitted to be drained to the Aerobic Treatment Unit/Alternative Treatment System and instead must be drained to a separate treatment facility or holding tank prior to disposal to an approved Department of Water and Environmental Regulation licenced facility.
18. The proposed storage tanks and any tanks or containers in excess of 5000 litre capacity shall be enclosed within concrete bunds sufficient in capacity to contain the contents in the event of leakage in accordance with AS1940.1:2017 The Storage and Handling of Flammable and Combustible Liquids to the satisfaction of the City of Kwinana.
19. Areas within the bund and gantry loading areas are to be constructed with an impervious hardstand that is graded to capture and direct any spillages away from the storage tanks to a containment area for treatment or disposal.
20. The bunded area shall be connected to a separate drainage system to the satisfaction of the City of Kwinana.
21. An apparatus for the treatment of contaminated wastewater shall be installed prior to occupation of the development.
22. Liquid waste arising from loading or unloading activities must be collected and contained for treatment or disposal at a Department of Water and Environmental Regulation licenced wastewater disposal facility.
23. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.

Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation Contaminated Sites Guidelines.

Advice Notes

- i. The applicant is advised that all future development not the subject of this approval must be approved by the City of Kwinana prior to the commencement of works or alteration of land use.
- ii. Should the applicant be aggrieved by the decision of the City to refuse the application or impose any condition of approval, then an application for review of the City's decision may be lodged with the State Administrative Tribunal within 28 days of notification of the decision and right of review.



- iii. The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986* and Regulations, *Health (Miscellaneous Provisions) Act 1911* and Regulations, *Contaminated Sites Act 2003* and the National Construction Code.
- iv. In respect to the landscaping plan condition above, the applicant should note that while plant selection is the prerogative of the landowner, the City of Kwinana encourages the use of species indigenous to the locality, as these will reduce maintenance requirements and water demand.
- v. The applicant is advised that this approval is not a building permit, which constitutes a separate legislative requirement. Prior to any building work commencing on site, a building permit or building permit exemption must be obtained from the City of Kwinana. Significant penalties apply under the *Building Act 2011* for any failure to comply with this requirement.
- vi. The applicant shall submit an application to construct or install an apparatus for the treatment of sewage to the City of Kwinana and/or Department of Health WA for approval prior to installation of the system.
- vii. The nutrient retentive Aerobic Treatment Unit/Alternative Treatment System shall comply with the *Health (Treatment of Sewerage & Disposal of Effluent & Liquid Wastes) Regulations 1974* and the Department of Health WA Code of Practice for the Design, Manufacture, Installation & Operation of Aerobic Treatment Units.
- viii. The applicant is to ensure that adequate unencumbered, unsealed land is reserved for the effluent disposal system.
- ix. The applicant shall submit an application to construct or install an apparatus for the treatment of sewage to the City of Kwinana and/or Department of Health WA for approval to discharge treated liquid waste to the environment prior to installation. The application shall be accompanied by detailed plans, equipment specifications and meet the indicative wastewater discharge criteria as per the Department of Water and Environmental Regulation's – Water Quality Protection Note 68.
- x. In relation to the soil and groundwater contamination investigation condition and in accordance with regulation 31(1)(c) of the *Contaminated Sites Regulations 2006*, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with this condition. A current list of accredited auditors is available from www.dwer.wa.gov.au.
- xi. The applicant is advised of the requirements under the *Dangerous Goods Safety Act 2004* and Regulations to obtain a Dangerous Goods Site Licence and a Dangerous Goods Pipeline Registration from the Department of Mines, Industry Regulation and Safety.
- xii. The applicant is advised to liaise with the Fremantle Port Authority with regard to approvals required to be obtained for development within adjoining Lot 497 Port Road, Kwinana Beach.
- xiii. The applicant is advised of the requirements under the *Environmental Protection Act 1986* to obtain a Works Approval and a Prescribed Premise Licence – Category 73 – Bulk storage of chemicals etc or Registration from the Department of Water and Environmental Regulation.



- xiv. The applicant is advised of the requirements under the *Environmental Protection Act 1986* to obtain a clearing permit for the clearing of native vegetation from the Department of Water and Environmental Regulation. The Department advises that the previous clearing permit CPS 8305/1 obtained by Coogee Chemicals for the adjoining development is not sufficient to cover the clearing associated with the proposed development.
- xv. The applicant is advised of the requirements under the *Road Traffic (Vehicles) Act 2012* to obtain a permit from Main Roads WA for the use of A Double and B Triple vehicles on Kwinana Beach Road.

AMENDING MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Cr Matthew Rowse

That Condition 1 be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of 2 4 years from the date of approval. If the subject development is not substantially commenced within the 2 4 year period, the approval shall lapse and be of no further effect.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: COVID-19 is likely to result in delays in development and the additional approval time reflects the possible impacts on the development process.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro South West Joint Development Assessment Panel resolves to:

- Approve** DAP Application reference DAP/19/01708 and accompanying plans 17-329-DA01-F – Locality Plan;
17-329-DA02-G – Site Plan – South;
17-329-DA03-G – Site Plan – North;
17-329-DA04-D – Site Elevations;
17-329-DA05-D – Site Sections;
17-329-DA20-E – Vessel & Bund Calculations;
17-329-GC-KW01-81002-E – Vehicle Manouvring – A Double;
17-329-GC-KW00-13001-A – Security Plan – Kwinana Site (Stage 1);
17-329-GC-KW00-13031-A – Site Fencing – Typical Details;
17-329-C203 – Finished Surface Details Sheet 1;
39191-WD03-C Version 6.00.028-1 – Office Floor Plan;
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39191-WD05-C – Office Elevations Sheet 2;
PT-GB00-17003 Rev. 2 – Driver's Building;
PT-GB00-17002 Rev. 2 – Switchroom Building;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Clause 6.1 of the City of Kwinana Local Planning Scheme No. 2,



and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
2. The premises being kept in a neat/tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
3. Stormwater drainage from roofed and paved areas being contained and disposed of on-site in accordance with the Stormwater Management Plan prepared by Icubed Consulting dated 14 October 2019, version 1.1 to the satisfaction of the City of Kwinana.
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23. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required.



Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation Contaminated Sites Guidelines.

Advice Notes

- i. The applicant is advised that all future development not the subject of this approval must be approved by the City of Kwinana prior to the commencement of works or alteration of land use.
- ii. Should the applicant be aggrieved by the decision of the City to refuse the application or impose any condition of approval, then an application for review of the City's decision may be lodged with the State Administrative Tribunal within 28 days of notification of the decision and right of review.
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- Environmental Regulation as evidence of compliance with this condition. A current list of accredited auditors is available from www.dwer.wa.gov.au.
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 - xv. The applicant is advised of the requirements under the *Road Traffic (Vehicles) Act 2012* to obtain a permit from Main Roads WA for the use of A Double and B Triple vehicles on Kwinana Beach Road.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion.

Mayor Carol Adams and Cr Matthew Rowse left the panel at 9:50am.

Cr Rachel Pemberton and Cr Andrew Sullivan joined the panel at 9:50am.

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 10.56am.